

City of Chula Vista General Plan Update

RECIRCULATED EIR #05-01

Letters of Comment and Responses

Letters of comment to the Recirculated Draft EIR (dEIR) were received from the following agencies and organizations. Comment letters received during the Recirculated dEIR public review period contained accepted revisions that resulted in changes to the Final EIR text. Revisions to the Final EIR are intended to correct minor discrepancies and provide additional clarification. The revisions do not constitute significant changes to the project or environmental setting, no new significant environmental effects have been identified for the project, and the severity of environmental impacts would not be increased.

State and Federal Agencies

Letter A	California Integrated Waste Management Board	PR-2
Letter B	California Department of Transportation (Caltrans District 11)	PR-4
Letter C	United States Department of the Interior, Fish and Wildlife Service	PR-5

Local Agencies

Letter D	County of San Diego	PR-8
Letter E	City of San Diego	PR-27
Letter F	SANDAG	PR-39
Letter G	Sweetwater Authority	PR-40
Letter H	SDG&E, A Sempra Energy Utility	PR-45

Local Organizations

Letter I	San Diego County Archaeological Society, Inc.	PR-52
Letter J	Scripps Mercy Hospital	PR-57
Letter K	Environmental Health Coalition	PR-58
Letter L	John Hoegemeier, San Diego & Imperial Valley Roadway	PR-88
Letter M	Foley & Lardner LLP, Attorneys at Law	PR-90
Letter N	Nicholas Aguilar, San Diego County Board of Education District 2	PR-113
Letter O	Chula Vista Elementary School District	PR-116
Letter P	Jackie McQuade, Grandparents of America, Chula Vista Chapter	PR-121
Letter Q	Sweetwater Community Planning Group	PR-124
Letter R	Friend of Bonita/Sunnyside, Friends of Bonita Meadows	PR-126
Letter S	California Transportation Ventures	PR-127
Letter T	Berkowitz, Lichtstein, Kuritsky, Guisullo & Gross, LLC	PR-133
Letter U	The Corky McMillin Companies	PR-139
Letter V	Orrick	PR-141
Letter W	Crossroads	PR-150
Letter X	Sierra Club	PR-161

Other Individuals

Letter Y	David A. Wood	PR-171
Letter Z	Terry Thomas	PR-181
Letter AA	Theresa Acerro (November 6, 2005)	PR-193
Letter AB	Planning Commission Close of Public Review Comments	PR-194
Letter AC	Theresa Acerro (November 2, 2005)	PR-261

This Portion contains the following comment letters:

State and Federal Agencies

Letter A	California Integrated Waste Management Board	PR-2
Letter B	California Department of Transportation (Caltrans District 11)	PR-4
Letter C	United States Department of the Interior, Fish and Wildlife Service	PR-5



Alan C. Lloyd, Ph.D.
Secretary for
Environmental
Protection

California Integrated Waste Management Board

Rosario Marin, Chair
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Mailing Address: P. O. Box 4025, Sacramento, CA 95812-4025
www.ciwmmb.ca.gov



Arnold Schwarzenegger
Governor

September 22, 2005

Mr. Steve Power, AICP
City of Chula Vista
Planning and Building Department
276 Fourth Avenue
Chula Vista, CA 91910

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SEP 22 2005

STATE CLEARING HOUSE

Subject: SCH No. 2004081066: Recirculated Draft Environmental Impact Report for the City of Chula Vista General Plan Update – EIR #05-01, San Diego County

Dear Mr. Power:

The California Integrated Waste Management Board's (Board) staff received, on September 19, 2005, the Recirculated Draft Environmental Impact Report in CD-ROM format and the textual document for the above referenced proposed project.

The Board's staff has reviewed the environmental document. Since Board staff found no discussion of new transfer stations or landfills or new entitlements to any existing transfer station and landfill the general plan update does not fall under the jurisdiction of the Board.

- A-1** Table 1-3 SUMMARY OF ENVIRONMENTAL ANALYSIS RESULT, Page S-59 directs the reader to Utilities and Mitigation regarding the project's solid waste disposal needs. Board staff is of the opinion, based on information in our files, the Joint Technical Document for the operation of Otay Landfill and the current Solid Waste Facilities Permit that the analysis presented in your document and the operating specifics of Otay Landfill is factually incorrect.

You state that Otay Landfill has sufficient capacity for approximately 25 years, which in your analysis is sufficient capacity to accommodate projected population growth at build out of any of the alternatives. Otay Landfill's current Solid Waste Facilities Permit issued on May 17, 2005, indicates closure in 2021 – 16 years from now – not 25 years. On a daily basis Otay Landfill is operating at or near their maximum permitted daily tonnage. Any increase in daily tonnage at the landfill would shorten the closure date, resulting some what less than the 16 years.

- A-2** Board staff is aware of a contractual agreement with Otay Landfill that they will accept waste from the City of Chula Vista. The concern is that while there may be an agreement to accept the waste or dispose of it in another locale, the landfill does not have the capacity indicated in the

California Environmental Protection Agency

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RESPONSE

- A-1** The comment makes the calculation of available capacity based on permitted acceptance rates (recently revised to be 5,830 tons per day or 35,000 tons per week) and not on the actual amount of waste received. The analysis in the dEIR was based on the published average daily rate of disposal of 2,260 tons. As presented on Page 532 of the dEIR using the actual daily disposal rate of 2,260 and assuming the additional population at buildout of the proposed General Plan and no additional recycling programs are implemented, the Otay Landfill has sufficient long-term capacity.

As referenced in the dEIR (page 532), revisions to the permit will increase the maximum allowable daily disposal rate to 5,830 tons. However, the permit maintains a weekly maximum disposal rate of 35,000 tons per week (average of 5,000 tons per day). Increasing the permitted daily disposal capacity does not affect the average amount of solid waste disposed of at the landfill upon which the analysis in the dEIR was based because the Otay Landfill currently accepts an average daily rate of disposal of 2,260 tons which is much lower than the permitted maximum rate allowed per day. The Otay Landfill has a permitted remaining capacity of 31,336,166 tons. The Preferred Plan would generate an estimated population at buildout of approximately 326,900 people. Using the per person average rate of daily disposal of trash into the Otay Landfill, and assuming the additional development at buildout of Preferred Plan and no additional recycling programs are implemented, the Otay Landfill has sufficient capacity to accommodate the increased waste disposal.

- A-2** This comment addresses the remaining capacity at the Otay Landfill and the contractual agreement for Pacific to dispose of solid waste generated in the City. The Otay Landfill Permit Modification Agreement (see Response 1, above), approved on May 17, 2005, indicates that:

In the event that the Otay Landfill is not successful in achieving the expansion of the Sycamore Canyon Landfill, the Otay Landfill agrees to revisit the disposal capacity issue and negotiate terms for additional remedies which will protect the landfill capacity available to Chula Vista rate payers, in accordance with the terms of the Amended and Restated Solid Waste Disposal and Recycling Franchise Agreement [Franchise Agreement], effective July 1, 1999, to which the City and the Otay Landfill are parties.

Section 6.2.15 of the Franchise Collection Agreement states that:

Pacific shall dispose of Solid Waste, at its expense, at the Otay Landfill or the Sycamore Canyon Landfill, both being City authorized landfills, in accordance with all applicable law, or such other landfill mutually agreed upon by Pacific, City, Otay Landfill, Inc., and Sycamore Canyon, Inc.

This Franchise Collection Agreement is in effect until after June 30, 2028 with extension clauses for both the City and Pacific.

September 22, 2005

environmental document. In Board staff's opinion by indicating no mitigation required is an error on the part of the Lead Agency and should be reanalyzed or clarified in either another environmental document or in the Final Environmental Impact Report.

If you have any questions regarding these comments, please contact me at 916.341.6728 or email me at rseamans@ciwmb.ca.gov.

Sincerely,



Raymond M. Seamans
Permitting and Inspection Branch, Region 4
Environmental Review
Permitting and Enforcement Division
California Integrated Waste Management Board

cc: Tadese Gebrehawariat
Permitting and Inspection Branch, Region 4
Permitting and Enforcement Division
California Integrated Waste Management Board

Suzanne Hambleton, Supervisor
Permitting and Inspection Branch, Region 4
Permitting and Enforcement Division
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Kerry McNeill, Supervisor
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Department of Environmental Health
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Lynn France
City of Chula Vista
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Chula Vista, CA 91911

DEPARTMENT OF TRANSPORTATION

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NOV - 2 2005

November 2, 2005

Mr. Ed Batchelder
Deputy Planning Director
City of Chula Vista
276 Fourth Avenue
San Diego, CA 91910

Dear Mr. Batchelder:

B-1 This correspondence is regarding the potential extension of La Media Road south across the Otay Valley, as addressed in your proposed General Plan Update. It is reasonable to assume, depending on timing, that this proposed construction could adversely affect the amount of traffic trips on the South Bay Expressway (SR 125 South Toll Road) that will run substantially parallel to La Media Road. We have all worked hard as a region to be able to develop the South Bay Expressway through an innovative public-private partnership that has resulted in over \$600 million in private investment in the facility. We are therefore gratified to see that this latest General Plan Update has been sensitive to the potential adverse ridership impact a premature extension of La Media Road may have on the South Bay Expressway. Although we generally believe that the City revised policies LUT 14.8 and 14.9 adequately address this issue, we concur with the comments submitted separately by California Transportation Ventures, Inc. (CTV), dated October 31, 2005, related to clarifications in the General Plan Update, the Recirculated Draft Environmental Impact Report and the Traffic Technical Report.

B-2 We also observe that the capital cost of extending La Media Road across the Otay River Valley is likely to be relatively high and that reliance on the South Bay Expressway for regional trips in this vicinity is likely to be a fiscally prudent strategy through its franchise period. We would urge the City to only consider the possible extension of La Media Road when and if traffic capacity cannot be accommodated on the South Bay Expressway.

Sincerely,

LAURIE BERMAN
Deputy District Director
SR 125 Corridor Project Director

cc: Greg Hulsizer, California Transportation Ventures, Inc.

RESPONSE

B-1 Comment noted.

B-2 The exact timing of the La Media Road improvements is not known at this time, and its schedule is likely to be impacted by the availability of funding sources, environmental analysis, and other considerations. For the purposes of the general Plan update, La Media Road is anticipated to be in place by the Year 2030.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
San Diego National Wildlife Refuge Complex
6010 Hidden Valley Road
Carlsbad, California 92011



RESPONSE

November 8, 2005

Mr. Steve Power
Environmental Projects Manager
City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 91910

Re: Comments for the Chula Vista General Plan Update Revised Draft Environmental Impact Report (DEIR)

Dear Mr. Power:

C-1 The U.S. Fish and Wildlife Service, San Diego National Wildlife Refuge Complex (Complex) was recently informed that the City of Chula Vista had issued a revised draft Environmental Impact Report (EIR) for the City of Chula Vista General Plan Update and that unfortunately, the comment period had already closed. Although the Complex provided comments regarding the previous draft General Plan Update EIR in February 2005, it does not appear that we were notified of the availability of the revised draft EIR. As such, we respectfully request that the comments to follow be considered by the City of Chula Vista when preparing the Final EIR. We would also request that all future notices of planning actions involving projects proposed in proximity to lands managed by the San Diego National Wildlife Refuge Complex be sent to Victoria Touchstone, Refuge Planner, USFWS, San Diego National Wildlife Refuge Complex, 6010 Hidden Valley Road, Carlsbad, CA 92011. This will avoid any miscommunication in the future.

Based on a quick review of the land use, biological resources, and hydrology discussions presented in Chapter 5 of the revised draft EIR, it appears that most of our previous concerns have been addressed through revisions to various General Plan objectives and policies. We also assume that any site specific concerns related to potential adverse effects to refuge resources will be more fully evaluated during subsequent CEQA review for proposed annexations, specific plans, local coastal plan amendments, and/or development permits proposed in proximity to refuge lands.

C-2 In preparing the Final EIR, we would recommend that corrections be made to reflect recent changes to the refuges within the Complex. Specifically, the refuges in the San Diego Bay have been reorganized and are now referred to as the Sweetwater Marsh and South San Diego Bay Units of the San Diego Bay National Wildlife Refuge. The San Diego National Wildlife Refuge now consists of the Otay/Sweetwater Unit and the Vernal Pool Stewardship Project.

C-1 Comment noted. The City of Chula Vista sent the revised dEIR and the notice of availability of the recirculated dEIR to the U.S. Fish and Wildlife. Notices of future planning actions proposed in proximity to lands managed by the San Diego National Wildlife Refuge Complex will be sent directly to the San Diego National Wildlife Refuge Complex as well.

C-2 The EIR has been revised to reflect the recent changes to the refuges within the Complex as follows:

This USFWS also manages ~~has designated~~ approximately 2,620 3,940 acres of land and water in South San Diego Bay as the South San Diego Bay Unit of the San Diego NWR, which is partly located within the jurisdictional boundaries of Chula Vista. Within the refuge boundaries, USFWS ~~will protect and manages native fish and the remaining~~ will protect and manages native fish and the remaining wildlife habitat in and around the southern end of San Diego Bay. ~~using a variety of habitat protection methods.~~ Coordinating with landowners, local, state, and federal agencies, and the U.S. Navy, public, USFWS is currently will be developing a management plan that will describe the desired future conditions of the San Diego Bay MWR and provide long-range guidance and management direction for to conserving e wildlife and habitat resources within the Refuge. through land acquisition, protection through interagency agreements with the Navy, and cooperative agreements, coordinated planning and shared resources with local, federal, and state agencies.

The Otay/Sweetwater Unit of the San Diego NWR and the South San Diego Bay Unit of the San Diego Bay NWR are adjacent to the Southwest Planning Area. Wildlife species known to occur in ~~these~~ is ~~is~~ are areas include ~~gull billed tern, egrets, elegant terns, least Bell's vireo, California gnatcatcher, the quino checkerspot butterfly, San Diego horned lizard, and arroyo toads, California lest tern, western snowy plover, gull billed tern, and elegant tern, among many others.~~ gull billed tern, egrets, elegant terns, least Bell's vireo, California gnatcatcher, the quino checkerspot butterfly, San Diego horned lizard, and arroyo toads, California lest tern, western snowy plover, gull billed tern, and elegant tern, among many others.

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We would also suggest the following changes (shown in strike out/underline format) be made to the text on pages 225 and 226 of the Draft EIR.

Page 225, Beginning at Paragraph 3

~~This USFWS has also manages designated approximately 2,629-3,444 acres of land and water in South San Diego Bay as the South San Diego Bay Unit of the San Diego NWR, which is partly located within the jurisdictional boundaries of Chula Vista. Within the refuge boundaries, USFWS will protect and manages the remaining native fish and wildlife habitat in and around the southern end of San Diego Bay, using a variety of habitat protection methods. Coordinating with landowners, local, state, and federal agencies, and the U.S. Navy/public, USFWS is currently will be developing a management plan that will describe the desired future conditions of the San Diego Bay NWR and provide long-range guidance and management direction for conserving e-wildlife and habitat resources within the Refuge, through land acquisition, protection through interagency agreements with the Navy, and cooperative agreements, coordinated planning and shared resources with local, federal and state agencies.~~

Designated by the USFWS, the San Diego Bay NWR consists of the Sweetwater Marsh and the South San Diego Bay Units. The Sweetwater Marsh Unit NWR, which includes 316 acres of salt marsh and coastal uplands located on the east side of South San Diego Bay. The Sweetwater Marsh NWR supports populations of the federally listed light-footed clapper rail, California least tern, western snowy plover, California brown pelican, California gnatcatcher, and Belding's savannah sparrows, and two federally listed plants: salt marsh bird's beak, an endangered plant, and Palmer's frankenia. The South San Diego Bay Unit, located at the southern most end of the bay, supports several listed species, an array of nesting seabirds, and tens of thousands of migratory birds that travel along the Pacific Flyway.

Page 226

Biological Resources

The majority of the land area within the Northwest and Southwest Planning Areas has been previously developed with residential, commercial, and industrial uses. The potential for significant biological resources to be present in the Northwest Planning Area and the northern portion of the Southwest Planning Area is low.

The Otay/Sweetwater Unit of the San Diego NWR and the South San Diego Bay Unit of the San Diego Bay NWR are adjacent to the Southwest Planning Area. Wildlife species known to occur in these areas include gull billed tern, egrets, elegant terns, least Bell's vireo, California gnatcatcher, the quino checkerspot butterfly, San Diego horned lizard, and arroyo toads, California least tern, western snowy plover, gull billed tern, and elegant tern, among many others. In addition, the Otay River Valley extends roughly east-west along the southern boundary of the Southwest Planning Area. There are very small patches of coastal sage scrub and riparian scrub along this segment. Additionally, portions of this segment within the Southwest Planning Area are within both the Greenbelt and

Mr. Steve Power

Page 3

MSCP Preserve area (see Figure 5.1-4 in the Land Use section of this EIR). It should be noted that while the General Plan Update does not propose any changes in land use designation for the Bayfront Planning Area, the southernmost portion of this planning area, south of Palomar Street, is proposed to become part of the Southwest Planning Area. This area contains important wetland resources and will not be impacted by adoption of the proposed General Plan.

We appreciate your consideration of these comments and once again request that notices of future planning actions be sent directly to the San Diego National Wildlife Refuge Complex in order to ensure our timely review and comment of future projects.

Sincerely,



Slader Buck
Acting Project Leader
San Diego National Wildlife Refuge Complex